KENTICKY RISH AWERICAN.

DEVIL'S WORK.

Painful Episodes Witnessed at Evictions in the County Leitrim.

Aged and Helpless Hurled From Their Homes Like Cattle.

How the Land Courts Are Used to Oppress the Poor.

VICTIMS OF LANDLORD TYRANNY

ple are subjected by the land grabbers:

Evictions are, happily, rare nowadays, but today the peace has been broken and the bailiffs and the Sheriff are again at work. The scene is again the barren hillsides of Leitrim, where the brawny arms of an oppressed peasantry have wrung from the rocky and bogland tracks hardly a meager living. Life is sweet even to those whose daily existence is no more easy than that of the tortured serfs of Sibernian Russia. Such are the people who today, because they could not pay an impossible rent, were the victims of landlord tyranny, and having suffered during their entire lives with the stress of poverty have, some of them, on the very brink of the grave been hurled from their homes like so many cattle. The scenes in themselves were enough to chill the blood of the most unimpressionable and the victims, what have they done There were two of them, McSharry and McGullion, who were paying to the landlord, Tottenham, for many years the sum of £4 a year for their holdings of less than half an acre. In 1887 they took advantage of the land acts and entered the Land Courts, where the rent that they had paid for so many long years was reduced to thirty shillings a year each. After the fixing of this rent they tendered the thirty shillings per year as fixed by the Sub-Land Commission to the receiver, then a man named Dolling. Their ability to fight a rich exchequer in the hands of Chancery will be best judged by the public from the holdings which they possessed. Unable to fee lawyers and understand the many intricacies of land law, they allowed their cases to go by default and the rents were raised back to the old Dillon, M. P. figure of £4.

Another case is that of John Meehan, who paid the landlord the rent of £18 a year for a great number of years for his small and barren holding in Kiltyclogher. He went into the Land Courts to have a fair rent fixed and his holding was reduced to £4. On July 31, 1899, the Land Judges of the High Court of Justice in Ireland ordered the final notice for the sale of those lands, which up to the present has not taken place. The tenants have all along been willing to buy, but the influence of high places for the horde ciety is greatly interested. Ample arof vulture agents, bailiffs and process servers who fatten on the ruin of the people, has succeeded in preventing that happy consummation of the long strug- The ladies of the Altar Society will have gle for justice waged by the tenants on

this notorious estate. At 10 o'clock today the "devil's work'

commenced. Over one hundred police were present from the counties of Leitrim, Sligo and Roscommon. The force was under the command of Mr. Smith, Maguire and three District Inspectors-Maxwell, O'Rorke and Fitzsimons. The work first began at the house of Ellen McGoorty, a lonely woman, who lives with her mother-in-law at Glenkeel. The old woman is a confirmed invalid over eighty-five years of age and perfectly helpless. She had to be carried out, and was left lying at the back of a ditch in a very weak state of health, and a messenger had to be dispatched for the priest in all possible haste to attend her. She was late hour in the evening her life was de drawn for during the evening. spaired of. It should be mentioned that few scanty sticks of funiture was done by the Sheriff and his son.

The next house visited was J. S. refused to take, saying they would accept unable to learn. no money, and only wanted the land. At this eviction the police drawn up in a cordon guarded every approach to the house. They mercilessly handled the people, knocking them down and ill-using them even on the ground. One young oughly enjoyed than the one which took man, named Gallagher, was seen to be place at the beautiful country place of knocked down by a constable, lifted by Mr. and Mrs. S. A. French on the Cane him, and deliberately knocked down Run road on the Fourth of July. The again by the same paid ruffian in uni-form. At this stage Mr. Denis Kilbride eroned by Mr. and Mrs. McCluskey, Mr. intervened and talked strongly to the and Mrs. Ben Lawler and Mr. and Mrs. authorities, who thereupon checked the Riley, and the day was given over to a police, who became less offensive. Vaugh patriotic celebration of the national holiand his son, amidst the groans of the day. The party was a large one, and inaugry crowd, threw out all the furniture cluded Misses Victoria Robertson, Cathand nailed up the door. M'Sharry has a erine McCluskey, Mary Higgins, Berne-weak family of six children, none of detta Lawler, Stella Buckley, Margaret whom are over eight years of age. A rood Murphy, Mabel Davis, Lee McCluskey, of land in the possession of Mr. Collum Catherine Lawler, Eva Fowler, Margaret was next taken possession of by the

The evicting parties, accompanied by the police, next visited Mrs. Rose Keary

(Tom), of Coranmoor. En route from Kiltyclogher to the place mentioned— nearly two and a half miles—immense crowds of people followed, shouting and groaning at the police. The Glenfarne band and the Kiltyclogher band accompanied the crowds.

Passing through the fields from the road to Mrs. Keary's the police were subjected to some very biting remarks, such as "Another Spion Kop," "De Wet is on your track," "Have you the white flag with you?" "Wyndham's Yeomanry," etc. On reaching the house of Mrs. Keary, who is very ill, Wilton Vaugh entered, and a Mrs. Kearney who was nursing the sick woman told him to be quiet and not have an uproar, fearing the collapse of the dying woman who lay fainting on the bed. The Sheriff entered the room and examined the sick woman. He lifted her out of bed and roughly laid her on the floor amidst the horrified protestations and screams of her female rslatives. Mr. Denis Kilbride, who now came into the house, warned the Sheriff that as he was not a medical man, and on him would lie the From the last number received of the blame if anything serious happened to Dublin Freeman's Journal we take the the invalid, whom her friends tried to following Sligo letter, showing the hard- revive by bathing her temples in water.

ships and persecution to which the peo- Mr. Maude, brother of the receiver, apparently sick of the Sheriff's conduct, asked him to desist, and the latter left the house saying in an insulting way that the woman was shamming. When the people outside heard of the occurrence deep and hearty groans were given for the Sheriff, whom the police had to form a cordon around.

The police outside, during this time, were behaving very badly. One police man throttled a young man from Kilty, John O'Rorke, and threw him against a broken stump, cutting his leg badly. Mr. Dennis Johnston, who was standing by at this scene, asked the policeman for his name, which he refused to give. His name was also inquired of District-Inspector Maxwell, who refused to give any information.

The party then went further across the fields to the house of J. S. Keary. Here there was a girl in a dying condition, and the forces had to withdraw from this place also without carrying out the death sentence.

At this juncture a council of war was held, and shortly afterwards the evicting party left for Manorhamilton, where the officers and most of the Constabulary stayed. In the evening a large and imposing demonstration was held in the town of Kiltyclogher, presided over by Mr. John Keany, and spirited speeches were delivered by Messrs. Kilbride and

The evictions will be proceeded with tomorrow. Mr. Johnston and Mr. Kilbride will remain as long as the campaign continues. Mr. Kilbride telegraphed the facts of Mrs. Geary's and Mrs. M'Gourty's cases to Mr. John

CATHEDRAL SOCIETIES.

Elaborate Arrangements For Their Picnic at Riverview Wednesday.

Cathedral societies will take place Wednesday at Riverview Park, and sorangements have been made to entertain all who attend, and the attractions arranged for are many and interesting. charge of the dining-room, which has been newly built and enlarged. The menu embraces all the delicacies of the season, and all for a very small sum.

The refreshment tables will be presided over by a bevy of pretty girls of the Young Ladies' Sodality, who will enter-R. M., of Dromahair; County Inspector tain their friends in a charming manner. An amusing novelty will be the orange tree, which will be looked after by the members of the Holy Angels' Society.

The ladies of the Cathedral have arranged for a series of games during the afternoon, when they will distribute many handsome prizes. A great number of side attractions will be provided by the St. Vincent de Paul Society, and all who visit Riverview that day are guaranteed their money's worth. Great interest is being taken in the disposal of the horse, attacked with an epileptic fit, and up to a carriage and harness, which will be

Prominent among the ladies taking an the work of removing the bed and the active interest in this year's outing are Mesdames Charles Smith, Mary Burke, Fannie Wetzel, Ernest Kampfmueller and Ernest Bohne, and Misses Kate Walsh, McSharry's, Kilty, whose case is referred | Hannah Nagle, Annie Finn, Rose Quinn to above. He offered the Sheriff £8 and and Mary Cummings, who will be ascosts, which the landlord's representative sisted by many whose names we were

YOUNG FOLKS MADE MERRY.

Among the many recent private outings in this vicinity none was more thor-

Norton, Nellie Fitzgibbon of Shelby-

ville, Mayme Seymour, Addie Blincoe, Nora Fitzpatrick of Chicago, Cassy How-ard, Agnes Powler, Addie Lawler, Sadie

RELIGIOUS LIBERTY UPHELD

Judge Toney Decides That It Is Lawful For Catholics to Give Money in Their Wills For the Saying of Masses.

End of the Contest of Thomas F. Coleman to Have Annulled the Many Bequests For Charitable and Other Purposes of John D. O'Leary.

John D. O'Leary, who was well known as an educated, highly intelligent and prosperous business man, died here on May 14, 1893, and left an estate estimated by Thomas F. Coleman to be worth about \$200,000, but estimated by the executor to be worth \$65,000. Mr. O'Leary in his will gave \$3,000 to Father James M. Hays, S. J., of Chicago, for masses for Mr. O'Leary and his family and gave \$1,000 to the Cathedral for masses for the same persons. Mr. O'Leary also gave \$3,000 to the Bishop of Louisville, "to be invested and the income to be applied in rewards of merit to the pupils in the parochial poor schools of Louisville." The will also gave to the Bishop of Cork \$3,000, "to be applied in charitable uses so as to do most good in his judgment." The will also gave to the Jesuits one hundred acres of land in Jefferson and Bullitt counties, "for the purposes of education or religion." The remainder of his estate Mr. O'Leary gave to the Bishop of Louisville and three others to be chosen by him "for the establishment of a home for poor Catholic men as soon as the proceeds of my estate may justify."

Thomas F. Coleman, one of the heirs of O'Leary, contrary, it is said, to the wishes of most of the heirs, and perhaps of all rought a suit to have these legacies declared invalid on the ground that they were too indefinite and uncertain, or that they were for superstitious uses. Father Hays, to whom \$3,000 was given for masses, is himself an heir, and if the will were broken would be entitled to more money than was given him. Mr. Coleman brought suit in his own name for himself and for the

other heirs without showing their consent. In the answers of the executor and Bishop McCloskey and others the meaning of the mass was clearly set out and it was shown to be a religious ceremony for the benefit of both the living and the dead. It was shown, too, that masses are said publicly in the churches where all Catholics and the public may attend, and that the mass itself and the prayers are said for the intention of the person who contributes in this way toward the support of the church, and that the nature and purposes of the

mass are based upon Holy Writ and conform to the teachings of the church of Christ from the very beginning. Judge Toney in passing upon the demurrers filed in the case had to pass upon the question whether money could be given by will for saying masses and whether the gifts by Mr. O'Leary to other charitable purposes were too vague and uncertain to be carried out. Judge Toney copiously and learnedly quoted from Catholic authorities to show the nature of the mass and succinctly gave the history of the legal doctrines which in England have controlled when such legacies have been condemned

In the case of Strother vs. Morgan, decided by Judge Toney some years ago, he rendered a celebrated opinion wherein he learnedly discussed the history and law of charities in England before and after the statute of forty-third Elizabeth and in this ountry since the foundation of the Government. Judge Toney said:

"In that case I had occasion, as I say, to review the law of charities in Kentucky and the decisions of the Supreme Court of the United States and the Court of Appeals of Kentucky touching the same, and to point out the difference between private trusts, as to which vagueness either in subject matter or beneficiaries is fatal, and public or charitable

ween private trusts, as to which vagueness either in subject matter or beneficiaries is fatal, and public or charitable trusts, in which uncertainty in beneficiaries is essential to their validity. The validity of said charity was vindicated upon all the authorities both English and a trust. The validity of said charity was vindicated upon all the authorities both English and a trust of the church and save reversed, but not upon any point raised by counsel or discussed by counsel or decided by the court on the trial of the case. The opinion in that case which I prepared and handed down was over seventy-five pages in print, a copy of which I find is sent out with the record in this case. I shall not therefore on this hearing again go over that domain of the law touching charitable devises and charitable uses provided for in last wills and testaments. Both Hume and Macauley in their admirable histories give very interesting accounts of the connection between Church and State in England and the derivation of such authority of history is more interesting than on the office of the connection between Church and State in England and the derivation of such authority of history is more interesting than on the origin and evolution of English law on this subject."

Takal take up in the concrete in this tase, sare, from the home of the Connection between Church and State in England and the derivation of such authority of history is more interesting than on the origin and evolution of English law on this subject."

Takal take up in the concrete in this case, first, those items of the will of the save and the concrete in this subject."

Take the admirable devises and the concrete in this country by Federal and State constitutions, for Protein and the case of the connection between Church and State in England and the derivation of such authority of the connection between Church and State in England and the derivation of such authority of the connection between Church and State in England and the derivation of such authority o The most elaborate outing and picuic from the home of the Cæsars. I know ever given under the auspices of the of no subject upon which the philosophy

Judge Toney then concludes his decision in the following words:

I shall take up in the concrete in this ease, first, those items of the will of the testator, John D. O'Leary, which bequeath money for the saying of masses for the repose of the souls of the dead. These are items four and thirteen. And first, I may say, the doctrine touching the linvalidity of bequests of any character, on the ground that they are for superstitious uses, never has been recognized in this country. In England every bequest was considered for a superstitious use and void, which contravened, or was inconsistent with, the doctrines of the church established by law. If the Baptist Church had been the legal church of England, then any bequest to support or carry out the ceremonials or tenets of the Methodist or Presbyterian or Episcopal or Catholic Church, would have been for superstitious uses, and held to be void. And so, if the Presbyterian had been the legal church, all bequests for purposes that contravened its religious tenets would have been void, as for superstitious uses. But both under the constitution of the State of Kentucky, there is no legal church, or church established by law in this State. In the eyes of the law all religious equality, and the law neither makes nor permits any discrimination between different religious creeds or forms of worship. The cermonials, tenets and beliefs of one church or sect are just as sacred in the eyes of the law as those of another. The nature of mass, like preaching, praying, the communion and other forms of religious worship, is well understood, and is no more superstitious in the eyes of the law as the creeds of any other religious denomination. A bequest for the saying of mass is a bequest for such purposes is not conship, as much so as a bequest for preaching, or for putting memorial windows in a church, or for supporting religious music in a church. The money directed to be used for such purposes is not conship, as much so as a sequest for masses is a bequest for such purposes is no

Gorman, Wallace Lawler, Charles Boegle

Allie Gore, Paul Higgins, Tom Jordan,

Andrew Bowling, Jim Grant, Keen New-

comb, Louis Grant, Will McGalen, Paul

Caldwell, Clarence Nevin, Louis Biery, Rider, Scanlon, Mackin.

CONFIRMATION.

"If I am right, thy grace impart, Still in the right to stay; If I am wrong, oh teach my heart To find the beter way."

and come therefore within the religious and plous uses which are upheld as public charities.

In Seda vs. Hubie, 75 Iowa, 429, is a most interesting and masterly exposition of the law on this subject, sustaining the validity of bequests for masses.

Why should not a testator be allowed to appropriate his money for a purpose which his conscience and his religion teach him is for his spiritual welfare, provided in so doing he does not violate the statute or common law of the State or any principle of public policy? It would be an insuit to the intelligence and to the enlightened conscience of a great class of our citizens, men and women of the highest clusterion, members of the Roman Catholic Church, to hold that they cannot, in their last wills and testaments, appropriate a part of their estate for the religious and charitable purpose of having it performed is against the law, or is a violation of public policy, and that money appropriate by his will money to sead

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en to the dear voice and notice the feel- read in her tender, untiring voice. Never ing of even a touch that is bestowed upon | can I forget her sweet glances cast upon you by that gentle hand. Make much of me when I appeared asleep; never her it while you have the most precious of all kiss of peace at night. Years have passed gifts, a loving mother. Read the un-away since we laid her by my father in fathomable love in those eyes, the kind anxiety of that tone and look, however slight your pain. In after life you may have friends, found, dear, kind friends; cauley. but never will you have again the inexpressible love that none but a mother be-

deep sweet security I felt when on an evening resting on her bosom I listened Young people, look in those eyes, lis- to some quiet tale, suitable to my age,

tows. Often do I sigh in my struggles piece of ice every day or every other day, with the hard, uncaring world for the instead of filling the ice chamber two or

three times a week. The small piece of ice can not reduce the temperature sufficiently, and the result is that each new piece melts rapidly and the food can not be kept long. It will be found at the end of the season that the cost of ice and waste of food have been much greater than if the ice chamber had been kept

GETTING READY.

Irish-American Society Will Have a Big Day at Riverview.

The next meeting of the Irish-American Society takes place Thursday night at the new Hibernian Hall, Seventh and Market streets, when an unusually large attendance is expected. The committees arranging for the Irish-American celebration at Riverview Park next month will make their reports, and they promise to be interesting.

The Society held no meeting on the night of July 4, and consequently there should be a number of candidates to initiate and other business of importance

The time for the annual election of member should pay his dues and be entitled to vote.

Thursday night the dollar death assessment becomes due. This feature of the Irish-American Society is a good one, as the benefits will hereafter be paid as soon as claims are presented.

REINSTATED.

Capt. James Hendricks to Resume His Former Position.

department, some time ago reduced to Thursday reinstated to his former position. Capt. Hendricks has been a memand during that time has filled every that of Chief. The announcement of his people of these missions saw him depart department generally, with whom he has always been popular, and his many friends throughout the city are highly elated over what they term his great

The Kentucky Irish American has it from reliable sources that Major Gunther will soon be appointed Chief to succeed Haager, when Capt. Hendricks will be promoted to fill the vacancy thus occas-

WOLFE TONE.

Commemoration of His Anniversary in Kildare and Cork.

items of the will of the testator, O'Leary, must be tested by the law of charitable uses found in the General Statutes, and not under the present statutes amendatory and restrictive of the General Statutes. I hardly think it is necessary to examine the authorities further upon this subject. I am acquainted with the decision of the Supreme Court of Alabama in the case of Festorazzi vs. St. Joseph's Roman Catholic Church, 104 Ala., 327, holding that a bequest to the Catholic Church in Mobile, to be used in solemn mass for the repose of the testator's soul, was void. I regret that such a decision should emanate from a court whose history for profound and enlightened learning in the law is the pride of the State. This opinion, by Mr. Justice Head, is a spot upon the sun, and stands in its isolation as a unique illustration of how iejune, narrow and barren legal reasoning by a Judge may sometimes be on religious subjects. This decision has never been approved, but has been criticised severely by the ablest courts in the country. I pass it by, believing that the least that may be said about it is the better.

It has a companion, however, in a decision by the Supreme Court of Wisconsin; but it should be said, in justice to that court, that the decision was in a large measure founded upon a peculiar statute of that State. Where the decision by decision is based upon a statute rendering such bequests invalid, it is no authority before the courts of a State in which there is no such statute.

I hold that the bequests in the two items of the will for saying masses for the repose of the souls of the persons therein indicated are perfectly valid bequests for religious purposes.

This brings us to consider the tweifth clause of the testator's will, in which he bequeaths \$3,000 to the Right Reverend Roman Catholic Bishop (for the time being) of Louisville, to be invested, and the income to be applied to rewards of merit for the pupils in the parochial poor schools of Louisville, to be invested, and the income to be applied to The birthday anniversary of Wolfe Tone was celebrated on Sunday by the annual demonstration at Bodenstown, County Kildare, and it was also marked by the hanging of a handsome wreath over the site of the memorial in St. Stephen's green. A special train which left Kingsbridge for Sallins was very largely availed of. A goodly number of people went from town in wagonettes. others rode on bicycles, and when the contingents from Nass and Clane and the neighboring districts had joined the Dublin people there was an extremely large gathering round Wolfe Tone's grave in the picturesque churchyard of Bodenstown. Addresses were delivered

by P. N. Fitzgerald, Daly and Dunne.

Speaking at a large demonstration in Cork on Sunday in celebration of Wolfe Tone day John Daly, Mayor of Limerick, said that all the intelligent Irish in America were within the ranks of the Clan-na-Gael organization, which extended from the city of New York along to the city of San Francisco, and that the Clan-na-Gael had declared emphatagain would give any countenance to ville Street Railway Company by Super any organization in Ireland that would intendent Tom Funk because he won arians would take that to heart, be- ture from the Forty-eight district. cause out of the people of America they when their men were called upon to play charged, the reason for this tyranni their proper part in Ireland they would action being that the company wo play it as the followers of Wolfe Tone in not allow its employes to enter politic '98 were prepared to play it, and not as any fan-dangled patriot would desire tics, and other employes of that corpora them to play it on the floor of the House tion are known as political wire workers

PARADE AND OUTING.

The local unions of the National Brewery Workers will have their annual picnic that will protect them in their rights at Phœnix Hill Park tomorrow afternoon and evening. Three unions will form in procession at First and Market streets at 1 o'clock and parade through the principal streets before proceeding to the part. Chief Marshal John Fuchs will have as aides Messrs. George Esterle, this week visited his parents at Cai Theodore Herb, Emil Schindler and John Father O'Connell has worked untirin Dressel. There will be a grand concert for the advancement of his congregat and plenty of amusement for all who since taking charge, and the mattend,

FATHER ALBERT.

Well Known Priest and Missionary Bids Farewell to Kentucky.

Going to St. Andrew's Island to Labor Among the Negroes.

His Work in This City and State Crowned With Success.

A NOBLE SACRIFICE TO GOD'S WORK

[Special Correspondence of the Kentucky Irish American.] CAMPBELLSVILLE, KY., July 8 .- The

Rev. Albert Stroebele, well known in Louisville from the time when three officers is now approaching and every years ago he took charge of St. Augustine's colored church at Fourteenth and Broadway, where his labors were crowned with great success, has decided to go to South America and work for the conversion of the negroes. When after ten months' work at St. Augustine's church his health commenced to fail he obtained a year's leave of absence, which he spent for the greater part at the Bellevue Sanitarium at Butler, New Jersey, which is conducted by his sister.

Upon his return to the Louisville diocese he was placed in charge of the missions in Taylor county, which are considered the poorest in this section of the State. Father Stroebele went to work by Capt. James Hendricks, one of the preaching a mission at each place under ost efficient men in the local police his charge, making St. Anthony the patron of his missionary labors, and here the ranks because of charges preferred also his endeavors met with great success against him by Chief Hager, was on spiritually and temporally. A large number of converts were received into the church, deliquent members were revived ber of the force for the past fifteen years, to a sense of duty, and new life and fervor was noticeable in all the missions. position in the department excepting It was therefore with deep regret that the return to his former position was hailed from their midst. He may rest assured with delight by the members of the that their prayers and best wishes accompany him on his way to his new field of labor.

On July 4 Father Stroebele celebrated a solemn high mass of thanksgiving in honor of St. Anthony at the Church of Our Lady of Perpetual Help at Campbellsville, at which also large numbers of the people of the other missions assisted. and a number of neighboring clergymen were present in the sanctuary.

Passing through Louisville, he spent a week calling upon his numerous friends there. He will first go to the Sanitariu at Butler, where another sister of his has lately arrived from London for a few months' visit. Then he will sail for St. Andrew's Island, South America, almost totally inhabited by negroes. The Catholic religion has been preached there during the past few years by a missionary who recently died from the extreme heat of the climate, and he having been the only priest on the island there was great danger of the converts falling back into their former errors unless another

missionary succeeded without delay. The island is about two days' journey from the mainland, and there being no other priest there, no little courage and missionary sacrifice are required in a priest to set out for such a field of labor. That his good angel may conduct him on all his ways is surely also the wish of all the Louisville friends of Father Albert Stroebele.

OUTRAEGOUS.

Louisville Street Railway Company's Oppression of Employes.

The fair-minded citizens of Louisville were shocked when they learned last Sunday that William Jacobs had been ically and unhesitatingly that it never dismissed from the service of the Louisnot have for its purpose the making of not withdraw as a candidate for the Ireland a nation. He hoped Parliament- Democratic nomination for the Legisla-

Mr. Jacobs had been a candidate fo practically lived for years, but they were over three months without any objection not going to live on them any longer. from the company. Last Saturday he He would go back to Limerick deeply was called from his car to the office and impressed with the immense demonstra- given the alternative of withdrawing tion he had witnessed that night and de- from the race or resigning his position termined that they still had the right to He protested that he could not honorably be called the Rebel City of Ireland, and do either, when he was peremptorily dis-

For years Tom Funk has been in po and lobbyists. The arbitrary action of the company should arouse the working men of Louisville to a sense of the duty. They ought to immediately tak steps toward the enforcement of los liberties from this soulless mono

VISITED PARENTS.

St. Augustine's church in Jeffersonvill